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UNITED STATES DISTRICT COURT

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FOR THE CENTRAL DISTRICT OF CALIFORNIA - Western Division

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12 HOLLYWOOD CHARACTERS, et al., Plaintiffs, 13 v. 14 CITY OF LOS ANGELES, et al., 15 Defendants. 16 _____) CASE NO: cv 10-5848 DDP (CWx))) DECLARATIONS AND EXHIBITS) IN SUPPORT OF MOTION FOR A) PRELIMINARY INJUNCTION)) Date: November 1, 2010) Time: 10:00 a.m.) Ctrm: 3 (Hon. Dean D. Pregerson))
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Declarations and exhibits in support of Plaintiffs' Motion for a Preliminary
20 Injunction. Exhibits G, H, I, J, K, and M have been filed manually under separate
21 cover on a DVD.

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Dated: October 4, 2010

Respectfully submitted,

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Law Office of Carol A. Sobel
Law Office of Rebecca F. Thornton

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/s/

By: CAROL A. SOBEL
Attorneys for Plaintiffs

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DECLARATION OF BALKE

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DECLARATION OF MATTHIAS BALKE

I, MATTHIAS BALKE, declare as follows:

1. I am a plaintiff in this action. The Hollywood Characters is an unincorporated association of costumed street performers on Hollywood Boulevard. I am one of them, as are the other plaintiffs in this action. The group formed this summer to represent the interests of and advocate against recent arrests of performers on Hollywood Boulevard. I have personal knowledge of the facts set forth below.

2. On June 4, 2010, at approximately 7:30 p.m., I was arrested outside the Fashion 21 store in the 6800 block of Hollywood Boulevard, at the Hollywood and Highland complex. I was dressed as the character Wolverine from the movie "X-Men." Approximately one week earlier, on or around May 28, 2010, I had been informed that a number of the characters on the Hollywood Boulevard were arrested, including an individual who wears a Bumblebee "Transformer" costume.

3. I was on Hollywood Boulevard with two friends who also are street performers in costume in this location. The area where we were standing is a very wide sidewalk. The three of us were standing on the public sidewalk, on the curb edge, facing away from the street. I could see that the public was freely able to walk up and down the sidewalk in front of us. At 7:30 p.m. that night, there was only light pedestrian traffic for most of the time that we were there and at some points there were no pedestrians in the area. Occasionally, a few people would stop and take photographs of us. Based on the arrests that had occurred a few days earlier, we did not engage the public taking our photos except to tell them it was fine to do so. We did not solicit any tip, donation or other form of monetary or non-monetary payment.

4. The reason we did not solicit any tips or donations was our understanding that Zach Junt, another Hollywood Performer who was performing as Spiderman, was arrested a few hours earlier for solicitation of money. I believed that if I did not seek money, and simply performed on the sidewalk, I would not be arrested. When I was

1 arrested and taken to Hollywood Station, I was put in the same cell with Zach Junt and
2 learned directly from him that he had been arrested for solicitation.

3 5. After approximately 10 minutes, we were approached by three individuals
4 wearing Los Angeles Police Department uniforms, badges and insignias. When we first
5 saw the officers, they appeared to be arresting an individual they had brought out of
6 the Hollywood and Highland complex. I observed that the individual was in handcuffs
7 and saw him being seated in the back of a patrol car. At about the same time, at least
8 one additional patrol car arrived. My best recollection is that there were four or five
9 officers by the time the incident involving me ended in my arrest.

10 6. The officers approached us. I believe that it was Officer Chacon who first
11 approached us. I observed Officer Chacon pointed his finger at one of my friends,
12 Paul Harrell, who was dressed as "The Joker" from the Batman films. I was standing
13 directly next to Paul at the time and close enough to observe and hear everything the
14 officers said. As I observed Officer Chacon point to Paul, I heard him say "You are
15 coming with us." Officer Chacon then pointed at me and said "You need to leave."
16 When Officer Chacon told me to leave, I asked what law I was breaking at the time.
17 Officer Chacon did not respond to me verbally. Instead, he motioned with his hand
18 and said "come on," which I understood based on his words and his hand motion, as
19 well, as his prior interaction with Paul, that I was being taken into custody by the
20 officers and was no longer free to leave.

21 7. Immediately after indicating to me that I was in custody, I observed the
22 officer point to Melissa Beithan, who had been standing with us, and ask her if she was
23 going to leave. I observed Melissa say "no." After that, I observed Officer Chacon
24 grab Paul Harrell by the arm, Officer Gonzalez grab Melissa Beithan by the arm, and
25 a third officer grabbed me by the arm and walk us down the street to the west where
26 two patrol cars were located near the Grauman Theater box office.

27 8. When we arrived at this location in front of the Grauman, I was
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1 handcuffed. Within about 5 minutes, a third patrol car arrived. I observed that each
2 of us was then placed in the back of a separate patrol car and driven to Wilcox station.
3 There were three officers in the patrol car transporting me to the police station. Once
4 we got to the police station, I was handcuffed to a wooden bench until I was put
5 through the booking process. I was held at this location for approximately 30 minutes,
6 after which I was taken in to be photographed and fingerprinted. I was held at the
7 station for four hours and released around midnight after posting cash bail of \$250.

8 9. Because of my arrest, I had to obtain a criminal defense lawyer. On July
9 2, 2010, I appeared with my attorney at the Hollywood Criminal Court on a
10 misdemeanor charge of violating Los Angeles Municipal Code §41.18(A), "blocking
11 a sidewalk." All charges against me were rejected for filing.

12 10. Over the past four years, I have frequently been present in this area
13 wearing the same costume as Wolverine. I work 50 hours a week at a full-time job.
14 My costume is black leather. There are limited times when I go out in the costume
15 because it is so hot and because I work full-time during the week. I was not out at all
16 last summer. For me, being out on Hollywood Boulevard is an exercise in expressive
17 activity for me. I identify with the character and enjoy being a street performer dressed
18 up as a superhero and acting as the character. I am trained as an actor and view my
19 interaction with the public on Hollywood Boulevard as a performance.

20 11. I want to be able to go back to Hollywood Boulevard in or out of costume
21 without the risk of being arrested. I also want to be able to solicit donations from
22 individuals who want to have their photographs taken with me. About a month after
23 I was arrested, Christopher Dennis, who performs as Superman and has done so for
24 about 20 years to my knowledge, was arrested for loitering. I reviewed his official bail
25 receipt, which listed the charge as a violation of §41.18(a) ("loitering"). This is part
26 of the same ordinance under which I was arrested: LAMC §41.18(d) ("blocking the
27 sidewalk"). About a week after my arrest, James Carax was issued a citation for
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1 "loitering." I learned of his arrest by speaking to James and viewing a videotape of his
2 arrest. My understanding is that he was on the south side of Hollywood Boulevard and
3 not wearing a costume at the time that he was arrested, although the police recognized
4 him. James Carax is also one of the characters on Hollywood Boulevard, where he
5 performs as Captain Jack Sparrow. After my arrest, and especially after James' arrest,
6 I have avoided walking on the north side of Hollywood Boulevard because I am
7 concerned that the police will arrest me again. For my performance as Wolverine, I
8 had grown facial hair to look like Wolverine. After my arrest, I shaved them off and
9 cut my hair to avoid recognition by the police.

10 12. Attached to my declaration at Exhibit A is a true and correct copy of the
11 "Bail Receipt &/or Notice of Appear" issued to me when I was released from the police
12 station. When I appeared on July 2, 2010 at the Hollywood Courthouse, my case was
13 not on calendar. I went to the City Attorney's office on the second floor of the
14 courthouse, where the information in red was stamped and completed.

15 I declare under penalty of perjury that the foregoing is true and correct.
16 Executed this 27th day of August, 2010 at Santa Monica, California.

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19 MATTHIAS BALKE
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EXHIBIT A

BAIL RECEIPT &/or NOTICE TO APPEAR		COURT JURISDICTION CHECK ONE: <input checked="" type="checkbox"/> LOCAL <input type="checkbox"/> FOREIGN	CHECK ONE: SURETY <input type="checkbox"/> BOND <input type="checkbox"/> WRIT <input checked="" type="checkbox"/> CASH	DATE & TIME RECEIVED 06/04/2010 2346
BOOKING NUMBER 2357585	ARRESTEE'S NAME (Last, First Middle) BALKE, MATTHIAS	LOC. CONFINED 4206	LOC. BAIL POST 4206	TOTAL CASH REC. \$250.00
WARRANT NUMBER &/OR CHARGE LAMC 41.18(A) BLOCKING SIDEWALK		BAIL \$250.00	P. A.	TOTAL \$250.00
CASE REJECTED BY: BY: CA. Webster				
LOS ANGELES CITY ATTORNEY'S OFFICE				
DATE: 6/14/10 R011401452				
DEPOSITOR/ BONDING AGENCY/ATTORNEY (if writ) JERZY ZINIEWICZ		OFFICER RECEIVING (Signature & Serial No.) CUEVAS N2379		
ADDRESS 13 SILVERBERRY BUENA PARK CA 90620		BOND OR WRIT NO. (SUPERVISOR APPROVING (Verify above total) CASH		
ARREST MADE: <input checked="" type="checkbox"/> L.A. CITY <input type="checkbox"/> L.A. COUNTY <input type="checkbox"/> OTHER (Specify)		ARRESTING OFFICER (Agency, Division /Station, Unit, Name & Serial No.) LAPD 4206 FB HOLLYWOOD OFCR CHACON 36926		
DEPOSITOR'S WAIVER:	I AGREE THAT ANY OR ALL OF THE \$ _____ BAIL DEPOSITED HERE IN BY ME MAY BE USED IN THE PAYMENT OF ANY FINE IMPOSED ON THE DEFENDANT AND THE BALANCE, IF ANY, RETURNED TO ME. DATE _____ SIGNATURE _____			
NOTICE TO ARRESTEE: YOU ARE DIRECTED TO APPEAR AS INDICATED. FAILURE TO APPEAR MAY RESULT IN FORFEITURE OF BAIL AND ISSUANCE OF A WARRANT FOR YOUR ARREST.		COURT & LOCATION - CORTE LOCALIDAD HOLLYWOOD COURT RM 102 5925 HOLLYWOOD BLVD HOLLYWOOD, CA 90028		
NOTIFICACION AL ARRESTADO: SE LE EXIGE QUE COMPAREZCA SEGUN INDICADO AL NO COMPARECER PUEDE PERDER SU FIANZA Y UNA ORDEN DE ARRESTO SERA HECHA EN CONTRA DE USTED.		DATE & TIME OF APPEARANCE -- LA FECHA Y EL TIEMPO JULY 02, 2010 @8:30A.M.		

LAPD 06.15.0 (12-76)

DECLARATION OF BIETHAN

DECLARATION OF MELISSA BIETHAN

I, MELISSA BIETHAN, declare as follows:

1. I am a plaintiff in this action. I have personal knowledge of the facts set forth below and, if I were called to testify to those facts, I could and would do so competently.

2. On June 4, 2010, at approximately 7:30 p.m., I was arrested outside of the Forever 21 store in the 6800 block of Hollywood Boulevard, at the Hollywood and Highland complex. I was dressed as the character Catwoman from the movie "Batman Returns." Approximately one week earlier, on or around May 28, 2010, I had been informed that a number of the characters on the Hollywood Boulevard were arrested.

3. I was on Hollywood Boulevard with two friends who are also street performers in costume at this location. The area where we were standing is a very wide sidewalk. The three of us were standing on the public sidewalk, on the curb edge, facing away from the street. I could observe that members of the public were freely able to walk up and down the sidewalk in front of us. At 7:30 p.m. that night, there was only light pedestrian traffic for most of the time that we were there and at some points there were no pedestrians in the area. Occasionally, a few people would stop and take photographs of us. After a few minutes, a Marilyn Monroe character approached us to tell us that it was not safe to be out there because police officers were there arresting characters. Immediately after that, three officers of the Los Angeles Police Department approached us and told us to go home. I informed the police officer that I would not leave and asked the police officers why we should go home. The officers responded that we were going to be arrested. The police officers handcuffed us and walked us to the squad cars that were near the Grauman's Chinese Theater box office about a block away to the West. As we walked to the squad cars, people on the block who were observing yelled at the officers, "Why are you doing this?" and "What did they do?"

1 4. When we were standing outside the squad cars facing the street, the police
2 officer who arrested me yanked my Catwoman mask from behind without even
3 telling me he was going to yank it. My head flew back because the mask does not
4 easily come off. The three of us were placed in separate patrol cars and were
5 transported to the Wilcox station.

6 5. At the Wilcox station, I was placed in a holding cell for approximately one
7 hour. After that, I was informed that I had been arrested for blocking the sidewalk
8 and was told that I could call someone for bail but I had no one to call. The police
9 officers told me I would have to wait for the judge on Monday if I could not post
10 bail. I was then fingerprinted and put back into a holding cell for approximately
11 30-45 minutes.

12 6. I was then transported to the Van Nuys station by two officers because there
13 is no women's jail at the Wilcox station. After waiting in two different holding
14 cells for over an hour, a female police officer told me I was being released. They
15 fingerprinted me again and released me late at night with three bus tokens to get
16 home.

17 7. I started performing as a Hollywood Boulevard character in October 2009.
18 After going out as a character a couple of times, I found I really enjoyed it and
19 wanted to go out more often. I was a lifeguard at the time, but I went on reserve for
20 this summer in order to be a Hollywood Boulevard character full time. Dressing
21 like Catwoman is an expressive activity for me that requires me to know the
22 character, know how to pose for pictures, and interact with the public. I enjoy
23 performing on Hollywood Boulevard because I like talking to people and the look
24 in children's eyes when they see their favorite movie characters means a lot to me.
25 I identify with the Catwoman character because many people tell me I look like
26 Michelle Pfeiffer.

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8. I want to be able to go back to Hollywood Boulevard in or out of costume without the risk of being arrested. Since the incident, I avoid the north side of Hollywood Boulevard even though I live nearby and often walk the area out of costume. Avoiding the area makes it inconvenient to go the grocery store, to the local stores, and to run errands because I am afraid that the police will arrest me again.

I declare under penalty of perjury that the foregoing is true and correct under the laws of the State of California. Executed on this 20th day of August, 2010.


MELISSA BIETHAN

EXHIBIT B

O.R. ELIGIBLE BY: 0:00

Los Angeles Police Department MISDEMEANOR NONTRAFFIC
 CITY OF LOS ANGELES
NOTICE TO APPEAR 87235

Date of Violation: 6/4/2010 / Time: 7:30 PM AM PM Day of Week: FRIDAY S Arrest DR No. Evidence DR No.

Name (First, Middle, Last): MELISSA ANN BIETHAN

Address: 7259 WILLOUBY AVENUE #20
 City: LOS ANGELES State: CA Zip Code:

Driver Lic. No.: B9241387 State: CA Class: Age: 27 Birth Date: 1/18/1983

Sex	Hair	Eyes	Height	Weight	Race	Other Description
F	BLN	GRY	509	127	W	

Code	Ordinance	Description	<input type="checkbox"/>	Misdemeanor or Infraction (Circle)
41.18(A)	LAMC			(M)
OR PER	PDO CRUZ	E9030		M
				M
				M
				M
				M
				M

Location of Violation(s): 6801 HOLLYWOOD BLVD City and County of Los Angeles

Comments (Including RD number): BKG 2357607 RD 0645 Booking Required (see reverse)

Violations not committed in my presence, declared on information and belief. I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Arresting or Citing Officer: DELEON TE CI PT DIV JAIL N1941 to
 Serial No. Dates Off

Date: 6/4/2010 Name of Arresting Officer, if different from Citing Officer: MACHADO (4206) 37048 to
 Serial No. Dates Off

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.
 X Signature: *Melissa Ann Biethan*

WHEN: ON THIS DATE: 7 / 2 / 2010 TIME: 0830 AM PM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.

- WHERE:
- Metropolitan, 1945 South Hill Street, Los Angeles, 90007, (213) 744-4022
 - Central Arraignment Court, 429 Bauchet Street, Los Angeles, 90012, (213) 974-6075
 - South, 415 West Ocean Boulevard, Long Beach, 90802, (562) 491-6226
 - West Los Angeles, 1633 Purdue Avenue, West Los Angeles, 90025, (310) 312-6547
 - Van Nuys, 14400 Erwin Street Mall, Van Nuys, 91401, (818) 374-2903
 - North Valley, 900 Third Street, San Fernando, 91340, (818) 898-2407
 - West Valley, 9425 Penfield Avenue, Chatsworth, 91311, (818) 576-8555
 - Hollywood, 5925 Hollywood Boulevard, Hollywood, 90028, (323) 856-5747
 - Airport, 11701 South La Cienega Boulevard, Los Angeles, 90045, (310) 727-6020

HOLLYWOOD COURT DEPT 102
 TO BE NOTIFIED AT: 5925 HOLLYWOOD BL, HOLLYWOOD

NOTICE TO APPEAR FORM APPROVED BY THE JUDICIAL COUNCIL OF CALIFORNIA Rev. 09-20-05 (Pen. Code, § 853.9) DEFENDANT COPY SEE REVERSE TR-120 05.02.02 (01/06)

DECLARATION OF DENNIS

DECLARATION OF CHRISTOPHER DENNIS

I, Christopher Dennis, declare and state as follows:

1. I have personal knowledge of the facts set forth below. If I were called to testify to those facts, I could and would do so competently.

2. I have been performing on Hollywood Boulevard as the character of Superman for the past 19 years. On July 8, 2010, I was on Hollywood Boulevard passing out flyers advertising two stores: Star World and The Hollywood Show Gallery. The stores hired me to do so in costume. Tourists would occasionally stop and ask me to take photos with them. At approximately 3:25p.m., LAPD officers surrounded me, handcuffed me, and transported me to the police station. They said I was being arrested for loitering. My costume was taken and I was given some scrubs to wear. After I was processed, I called my wife to bail me out. The bail was \$250. I was released at approximately 10 p.m. that evening.

3. As a result of the citation, I had to hire a criminal defense attorney. On July 29, 2010, I had a court date for the citation. I was represented by my attorney, Daniel Hustwit. He gave me a number to call which I believe was for the County Prosecutor's office. When I called, they informed me that the case was rejected for filing because the prosecutor didn't want to pursue the case. I went to the courthouse and got the ticket stamped with the rejection number. A true and correct copy of the Notice to Appear with the "Case Rejected" stamp is attached hereto as Exhibit A. This document also shows the \$250 bail that was paid.

4. On August 11, 2010, I went out to Hollywood Boulevard with a film crew. I was there for about an hour and a half. Some people approached me to ask for photos. At one point, I heard a siren and it scared me to death. A police car was pulling someone over, but they didn't get out right away. They just sat there. The officers were watching me. It looked like the same officer that had arrested me. I felt that they were trying to intimidate me. I believe they could tell that I was wired for sound, which was to assist the film crew. I decided to leave the area because I feared

1 I might be arrested again. While I was out on Hollywood Boulevard, I saw
2 breakdancers, people with amplified sound, drummers with buckets, and other non-
3 costumed performers on the street who were not being threatened with arrest. I feel
4 that I and the characters who perform in costume on Hollywood Boulevard are being
5 singled out and treated unfairly.

6 5. I enjoy performing as Superman because of the love I have for the character. I
7 like to put smiles on people's faces. When I'm out on Hollywood Boulevard in my
8 costume, I feel like an ambassador for Hollywood and I'm bringing a Superhero
9 character to life for everyone to enjoy. I especially enjoy making children smile.
10 They enjoy taking pictures with me and the other costumed characters.

11 6. Since being arrested, I have only gone back to Hollywood Boulevard in
12 costume the one time on August 11, 2010, accompanied by a film crew. Besides that
13 one time, I have not gone back out as Superman on Hollywood Boulevard based on
14 what happened that day with the police watching me and because I am afraid I will
15 be arrested. On that day, when I saw the officers watching me, I was terrified. I live
16 right around the corner from the Kodak theater and even when I am not in costume, I
17 am always looking over my shoulder and jump anytime I hear a siren. It makes my
18 heart pound.

19 I declare under the penalty of perjury that the foregoing is true and correct
20 under the laws of the State of California. Executed this 17th day of August, 2010.

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24 _____
CHRISTOPHER DENNIS

EXHIBIT e

DANIEL THORR HUSTWIT (310) 788-2677
ATTORNEY

BAIL RECEIPT &/or NOTICE TO APPEAR

COURT JURISDICTION CHECK ONE: <input checked="" type="checkbox"/> LOCAL <input type="checkbox"/> FOREIGN		CHECK ONE: SURETY <input type="checkbox"/> BOND <input type="checkbox"/> WRIT <input checked="" type="checkbox"/> CASH		DATE & TIME RECEIVED 07/08/10 2148
BOOKING NUMBER 2396131	ARRESTEE'S NAME (Last, First Middle) DENNIS, CHRISTOPHER LLOYD		LOC. CONFINED 4206	LOC. BAIL POST 4206
WARRANT NUMBER &/OR CHARGE LAMC 41.18(A) LOITERING		BAIL \$250.00	P. A.	TOTAL CASH REC. \$250.00
DEPOSITOR/BONDING AGENCY/ATTORNEY (if writ) BONNIE NANCY FINKENTHAL		OFFICER RECEIVING (Signature & Serial No.) CUEVAS N2379		
ADDRESS 6755 YUCCA STREET #10 HOLLYWOOD CA 90028		BOND OR WRIT NO. CASH	SUPERVISOR APPROVING (Verify above total) <i>[Signature]</i> 3090	
ARREST MADE: <input checked="" type="checkbox"/> L.A. CITY <input type="checkbox"/> L.A. COUNTY <input type="checkbox"/> OTHER (Specify)		ARRESTING OFFICER (Agency, Division / Station, Unit, Name & Serial No.) LAPD 4206 FB HOLLYWOOD DIVISION OFCR AVAREIMO 38667		

ROHY01716
CASE REJECTED BY: SORIANO 7/16/10

DEPOSITOR'S WAIVER: I AGREE THAT ANY OR ALL OF THE \$ _____ BAIL DEPOSITED HERE IN BY ME MAY BE USED IN THE PAYMENT OF ANY FINE IMPOSED ON THE DEFENDANT AND THE BALANCE, IF ANY, RETURNED TO ME. DATE _____ SIGNATURE _____

<p>NOTICE TO ARRESTEE: YOU ARE DIRECTED TO APPEAR AS INDICATED. FAILURE TO APPEAR MAY RESULT IN FORFEITURE OF BAIL AND ISSUANCE OF A WARRANT FOR YOUR ARREST.</p> <p>NOTIFICACION AL ARRESTADO: SE LE EXIGE QUE COMPAREZCA SEGUN INDICADO AL NO COMPARECER PUEDE PERDER SU FIANZA Y UNA ORDEN DE ARRESTO SERA HECHA EN CONTRA DE USTED.</p>	<p>COURT & LOCATION - CORTE LOCALIDAD HOLLYWOOD COURT RM 102 5925 HOLLYWOOD BLVD HOLLYWOOD CA 90028</p> <p>DATE & TIME OF APPEARANCE -- LA FECHA Y EL TIEMPO JULY 29, 2010 @ 8:30AM</p>
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LAPD 06.15.0 (12-76)

LAW OFFICES OF
HUSTWIT & ASSOCIATES

DANIEL THORR HUSTWIT
ATTORNEY AT LAW

601 WEST FIFTH STREET
SUITE 333
LOS ANGELES, CA 90071

TEL (310) 788-2677
FAX (310) 203-2287
SBN 161749

DECLARATION OF HARRELL

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DECLARATION OF PAUL LOUIS HARRELL

I, PAUL LOUIS HARRELL, declare as follows:

1. I am a plaintiff in this action. I have personal knowledge of the facts set forth below and, if I were called to testify as a witness to those facts, I could and would do so competently.

2. On June 4, 2010 at approximately 7:30 p.m., I was arrested outside the Forever 21 store on the 6800 block of Hollywood Boulevard, at the Hollywood and Highland complex. I was dressed as the character The Joker from the movie "The Dark Knight." Approximately one week earlier, on or around May 28, 2010, I had been informed that a number of the characters on the Hollywood Boulevard were arrested, including an individual who wears a Bumblebee "Transformer" costume. I was on Hollywood Boulevard with two friends Matthias Balke and Melissa Biethan who are also street performers in costume at this location. The area where we were standing is a very wide sidewalk. The three of us were standing on the public sidewalk, on the curb edge, facing away from the street. We were doing what we normally do: performing, taking photos and greeting tourists. We could observe that members of the public were freely able to walk up and down the sidewalk in front of us. At 7:30 pm that night, there was light pedestrian traffic for most of the time we were there and at some points there were no pedestrians in the area. Occasionally, a few people would stop and take photographs of us. After approximately 10 minutes, we were approached by three officers of the Los Angeles Police Department. Officer Chacon approached me and immediately arrested me and my two friends. The officers did not give any reason for the arrest, nor did they give us a warning or tell us which law we were breaking. I was immediately handcuffed and transported to the Wilcox police station in a patrol car. My two friends were also handcuffed and they were transported in separate patrol cars.

1 3. At the Wilcox station I was put through the booking process and questioned.
2 While I was at the station, an officer asked me if I knew why I was at the station,
3 and I responded "No." Nothing was said to me at any point by any of the officers
4 about why I was arrested. While I was at the station, I observed the officers
5 debating in front of me what to charge my friend and me with. Only at the end of
6 booking was I given a pink slip which stated the reason for arrest. The charge was
7 for a misdemeanor under Los Angeles Municipal Code §41.18(A), "blocking
8 sidewalk." After a few hours I was released from the station after I posted a cash
9 bail of \$250.

10 4. Because of my arrest, I had to obtain a criminal defense lawyer. On July 2,
11 2010 my attorney appeared at the Hollywood Criminal Court to defend the charge
12 against me. I did not attend this hearing. All charges against me were rejected for
13 filing.

14 5. I have been performing on Hollywood Boulevard since Jan 5, 2009. I
15 perform on Hollywood Boulevard as much as I can between auditions for acting
16 jobs. I have been doing well with my acting career. Matthias Balke, other
17 performers, and I were featured on the cover of a high end German travel magazine.
18 The magazine featured the Hollywood performers as the reason to come to
19 Hollywood, which I really believe is true. We draw people from inside and outside
20 of Los Angeles to Hollywood. I pride myself on my work because it is very
21 authentic. I put a lot of effort into my costumes and my performance because I
22 really enjoy this work. The public and the tourists really respect and appreciate my
23 efforts, and I love bringing this unique experience to people.

24 6. Since this incident, I have not gone back out on Hollywood Boulevard
25 because I am afraid of being unjustly arrested. I fear that I will be harassed or
26 detained if I am seen with or without a costume due to my experience of being
27 arrested with my friends and also because of the experience of my friend James
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Hill. James performs as Captain Jack Sparrow from the movie "Pirates of the Caribbean." From what I understand, James was cited for "loitering" on the south side of Hollywood Boulevard. The police recognized him as a Hollywood performer even though he was not in costume. I saw a video of his encounter with the police and I also learned of James' encounter through other street performers. Because of James' experience, I fear that if I or anyone else shows up in a costume and remains on Hollywood Boulevard for even a short amount of time that they will be arrested for any reason. I also reside in the neighborhood of Hollywood and Highland and since the incident, I am afraid to walk through the neighborhood for fear of being arrested. I go out of my way to avoid the area which is very inconvenient for me on a daily basis.

7. Characters and impersonators in general have not been out on Hollywood Boulevard since these recent arrests because they think they will be targeted for arrest.

8. Attached to my declaration at Exhibit__ is a true and correct copy of the "Bail Receipt &/or Notice to Appear" issued to me when I was released from the police station.

I declare under penalty of perjury that the foregoing is true and correct under the laws of the State of California. Executed this 20 day of August, 2010.


PAUL LOUIS HARRELL

EXHIBIT D

BAIL RECEIPT &/or NOTICE TO APPEAR		COURT JURISDICTION CHECK ONE: <input checked="" type="checkbox"/> LOCAL <input type="checkbox"/> FOREIGN		CHECK ONE: SURETY <input type="checkbox"/> BOND <input type="checkbox"/> WRIT <input checked="" type="checkbox"/> CASH		DATE & TIME RECEIVED 06/05/2010 0005	
BOOKING NUMBER 2357600		ARRESTEE'S NAME (Last, First Middle) HARRELL, PAUL LOUIS		LOC. CONFINED 4206		LOC. BAIL POST 4206	
WARRANT NUMBER &/OR CHARGE LAMC 41.18(A) BLOCKING SIDEWALK		BAIL \$250.00		P. A.		TOTAL CASH REC. \$250.00	
DEPOSITOR/ BONDING AGENCY/ATTORNEY (if writ) JERZY ZINIEWICZ		OFFICER RECEIVING (Signature) & Serial No. CUEVAS N2379		BOND OR WRIT NO. CASH		SUPERVISOR APPROVING (Verify above total)	
ADDRESS 13 SILVERBERRY BUENA PARK CA 90620		ARRESTING OFFICER (Agency, Division / Station, Unit, Name & Serial No.) LAPD 4206 FB HOLLYWOOD OFCR CHACON 36926					
ARREST MADE: L.A. <input checked="" type="checkbox"/> CITY... L.A. <input type="checkbox"/> COUNTY OTHER <input type="checkbox"/> (Specify)							
DEPOSITOR'S WAIVER: I AGREE THAT ANY OR ALL OF THE \$ _____ BAIL DEPOSITED HERE IN BY ME MAY BE USED IN THE PAYMENT OF ANY FINE IMPOSED ON THE DEFENDANT AND THE BALANCE, IF ANY, RETURNED TO ME.				DATE		SIGNATURE	
NOTICE TO ARRESTEE: YOU ARE DIRECTED TO APPEAR AS INDICATED FAILURE TO APPEAR MAY RESULT IN FORFEITURE OF BAIL AND ISSUANCE OF A WARRANT FOR YOUR ARREST.		NOTIFICACION AL ARRESTADO: SE LE EXIGE QUE COMPAREZCA SEGUN INDICADO AL NO COMPARECER PUEDE PERDER SU FIANZA Y UNA ORDEN DE ARRESTO SERA HECHA EN CONTRA DE USTED.		COURT & LOCATION - CORTE LOCALIDAD HOLLYWOOD COURT RM 102 5925 HOLLYWOOD BLVD HOLLYWOOD, CA 90028 DATE & TIME OF APPEARANCE -- LA FECHA Y EL TIEMPO JUNE 30, 2010 @8:30A.M.			

LAPD 06.15.0 (12-76)

DECLARATION OF JUNT

DECLARATION OF ZACHARY JUNT

I, ZACHARY JUNT, declare as follows:

1. I am a plaintiff in this action. I have personal knowledge of the facts set forth below and, if I were called to testify as a witness to those facts, I could and would do so competently.

2. On June 4, 2010 at approximately 1:30 p.m., I was in front of the Kodak Theater on Hollywood Boulevard. I had been taking photos with people if they approached me. I usually stand in one place or roam up and down the street. I do not approach people for photos, call them over or ask for money. I simply say that tips are appreciated and I accept money if it is offered to me. Without warning, two officers approached me, ordered me to step towards them and put me in handcuffs. They told me I was being arrested for loitering, and after asking me a few questions about my costume, they transported me to the police station.

3. At the station, officers took my suit and gave me some scrubs to wear. I was held in a cell for about 45 minutes alone. Then an officer came in and told me that he was the officer who ordered the arrest. He stated that I was arrested for open solicitation because I was working on public property without a permit and demanding money. He said he had 45 minutes of surveillance footage of me demanding money which is not possible. I only say that tips are appreciated after someone approaches me. He said that if I ever went back to Hollywood Boulevard in costume, I would be arrested.

4. I was transferred to a couple of different holding cells, fingerprinted and booked. I spent the night in jail until bail was arraigned. I was released at approximately 11:30 a.m. the following morning. I paid bail of \$250.00. I had to hire a criminal defense attorney to represent me on the charges. The case was rejected for filing and all charges were dropped.

5. Since the incident, I have not been back to Hollywood Boulevard in costume. I also live in the neighborhood, but since the incident, I avoid the Hollywood &

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Highland area altogether because I am afraid that the police might recognize me even out of costume and I could be arrested.

I declare under penalty of perjury that the foregoing is true and correct under the laws of the State of California. Executed this 22nd day of August, 2010.

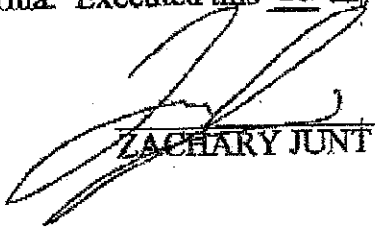
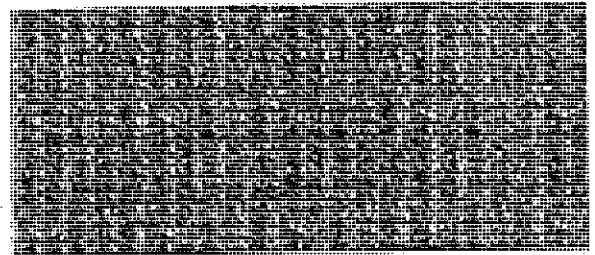

ZACHARY JUNT

EXHIBIT E

BOOKING NO.	U.O.	LOC. BKD.	DR. LIC. NO.	STATE	MT
ARRESTEE'S LAST NAME	FIRST	MIDDLE	SUF.		
JUNO ZACHARY WINDLINS					
[REDACTED]					
PROB. INV. UNIT		JUV. DETAINED AT		AD. CHG.	
S CT					
DIVISION	DETAIL ARRESTING	DATE ARRESTED	TIME ARR.	TIME BKD.	
4206	FB	060410	1920	1504	
LOCATION OF ARREST		BAIL			
HIGHLAND		250			
HOLLYWOOD BL		TOTAL BAIL			
		250			
TYP.	CHARGE & CODE	DEFINITION	WARRANT NO. ☆		
M	LAMC	OPEN SOLICITION			
ADDITIONAL CHARGES (ON ADDL. WARRS. LIST NO., COURT, AND BAIL, INCL. P.A.)					
[REDACTED]					
ARRAIGN. DATE	TIME	COURT			
[REDACTED]					
EXACT LOCATION / DISPOSITION ARRESTEE'S VEHICLE					
PRO					
HAS HEPATITIS	HAS V.D.	HAS OR EVER HAD T.B.	OTHER	SPECIAL MEDICAL PROBLEMS	
N	N	N	N	NONE	
ARRESTING OFFICER	SERIAL NO.	SERIAL # OF CR. CHECKING CWWS	BOOKING EMPLOYEE	SERIAL NO.	PROP. BAG #
FRANCO	38890	39060	MOLINARI	N3083	0252734
SEARCHING OFFICER	SERIAL NO.	2ND ARRESTING OFFICER	TRANSPORTING OFFICER	SERIAL NO.	EQIR READING
FRANCO	38890	39060	ORTIZ	39061	
PROPERTY	CELL PHONE, KEYS, BLK CASE, BLUE BAG, CA LISC				

PRISONER'S RECEIPT



THIS IS YOUR PROPERTY RECEIPT AND IDENTIFICATION. KEEP IT WITH YOU AT ALL TIMES.

1. **BAIL:**
 - A. On a MISDEMEANOR CHARGE OR A BAILABLE FELONY CHARGE, you may be released on bail.
 - B. On a WARRANT ISSUED IN ANOTHER COUNTY, you have the right, upon demand, to be taken before a magistrate in this county for the purpose of being admitted to bail. If you wish to go to court for this purpose, or do not know if you are arrested on an out-of-county warrant, contact your jailer.
2. **RELEASE FROM CUSTODY:** You will only be released from custody (bail, bond, own recognizance, etc.) after positive identification has been established. Positive identification has to be based on fingerprints. Refusal to submit to fingerprints will delay a person's release from custody.
3. **COURT APPEARANCE:** You may ask the jailer when you are scheduled for court appearance.
4. **TELEPHONE CALLS:** Within 3 hours from the time of your arrest, you may make the following telephone calls:
 - A. At City expense within the local dialing area, or at your own expense to other locations, to THREE of the following:
 - (1) An attorney of your choice, the Public Defender, or any attorney assigned by the court.
 - (2) A bail bondsman.
 - (3) A relative or other person.
 - B. For information regarding additional telephone calls, you may ask the jailer.
5. **ATTORNEYS AND BAIL BONDSMEN:** You may be visited by an attorney or bondsman upon your request or the request of a relative or friend. Beware of any person interested in procuring a lawyer or bondsman for you.
6. **VISITORS:** inmates are permitted a maximum of one visitor each day. **Exception:** One minor child may accompany each responsible adult visitor. Visitation rules do not apply to visits by attorneys, bail bondsmen, personal physicians, or members of the clergy, who may visit at any time. Hours may vary and are subject to cancellation.
7. **FOREIGN NATIONALS:** You may contact your Consular Office at any time. If you need assistance in contacting your Consular Office, notify the jailer. Visits from the Consular Officers are permitted at any time.
8. **YOUR PROPERTY:** Your property will be returned to you immediately upon your release from LAPD custody.
9. **ILLNESS:** If you need medical attention, or are aware of another prisoner in need of it, notify the jailer at once.
10. **READING AND RECREATION:** A general circulation daily newspaper and a non-English language publication are available during the hours set by the jail supervisor. Hours may vary and are subject to cancellation.
11. **VOTING:** Notify the jailer of any request to vote in a local, state, or federal election.
12. **RELIGIOUS OBSERVANCE:** Notify the jailer of any request for religious material. Visits from members of the clergy or other bona fide religious advisors are permitted at any time.
13. **INMATE GRIEVANCE PROCEDURE:** Any complaint or grievance must be reported to a jail supervisor without delay.
14. **MAIL:** Mail to and from an inmate may be opened and inspected for contraband.
15. **INMATES WITH DISABILITIES:** Should you require any special assistance, notify the jailer.
16. **JAIL RULES:** Any obstruction, willful resistance, destruction of jail property, or other unlawful conduct towards custody staff may result in additional criminal charges being filed against you. Prosecution will be pursued, regardless of the disposition of your original charges.

DECLARATION OF TOMEY

DECLARATION OF TERRELL ANTHONY TOMEY

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2 I, Terrell Anthony Tomey, declare and state as follows:

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4 1. I have personal knowledge of the facts set forth below. If I were called to
5 testify to those facts, I could and would do so competently.

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7 2. I am a performer on Hollywood Boulevard as the character of Batman. I
8 have been performing as that character for the past 3 years. Prior to that, I have
9 performed as many other characters in that location during the last 7 years. I enjoy
10 performing on Hollywood Boulevard because I like to entertain people. People
11 from all over the world and all ages smile and enjoy the performance. Prior to this
12 incident, I would perform on Hollywood Boulevard approximately 5 days a week.

13
14 3. On June 2, 2010, at approximately 2:30 p.m., I arrived on Hollywood
15 Boulevard between Orange and Highland, in front of Madame Tussaud's. I was
16 wearing my Batman costume. Upon my arrival, I was approached by a Channel 4
17 news reporter and cameraman. The reporter interviewed me about what had been
18 happening lately to the Hollywood Boulevard characters. Some bystanders were
19 stopping and asking to take photographs with me. No more than about 15 minutes
20 went by when I noticed an LAPD police vehicle stop in the middle of the street and
21 two officers got out. The two officers immediately approached me and told me to
22 come to their vehicle and lead me by the arm to the car. The officers instructed me
23 to interlace my fingers and put my hands on my head, and proceeded to handcuff
24 me. The officers asked for my ID and I told them it was in my pouch. They
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1 retrieved it. They put me in the vehicle and transported me to the Hollywood
2 police station. I asked what I was being arrested for and they did not respond. I
3 never received any citation or other information about what the basis was for my
4 arrest. The officers repeatedly asked me questions about how long I had been
5 performing on the boulevard, how much money I make and what my biggest tip
6 was for my performances on the boulevard. I told them that I wished to remain
7 silent and that I wanted a lawyer. The arresting officers were Officer Jordan
8 (Serial No. 32285) and Officer Rutkowski (Serial No. 40290).

12 4. While I was in custody at the Hollywood station, one of the officers who
13 arrested me asked me "do you know why you're here?" I said no. After waiting a
14 while, one of the officers came back and informed me that the charge would be
15 "blocking the sidewalk."
16

18 5. I informed the officers at the station that I have a medical problem that
19 requires blood thinning medication. I was transported to a medical facility for that
20 treatment and remained there until the next morning. The next day, I was
21 transported to another facility. Towards the end of the day on June 3, 2010, an
22 officer informed me that I was released and let me out. I was never given any
23 citation or any date on which to appear in court.
24

26 6. Since this incident, I have not been back to Hollywood Boulevard to perform
27 because I am afraid that I might get arrested.
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1 7. I reside in the neighborhood of Hollywood and Highland and prior to this
2 incident would often go to restaurants and shops on Hollywood Boulevard because
3 they are close to home. Since this incident, I am too afraid to go to Hollywood
4 Boulevard because I do not want to be arrested.
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7 I declare under the penalty of perjury that the foregoing is true and correct
8 under the laws of the State of California. Executed this 16th day of August, 2010.
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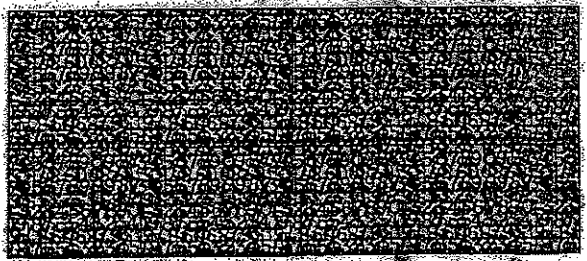
TERRELL ANTHONY TOMEY

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EXHIBIT F

BOOKING NO. 2354574	UIC 4206	LOC. BKG. 4206	IDR. LIC. NO. B7168659	STATE CA	INT.
ARRESTEE'S LAST NAME TERRILL		FIRST ANTHONY	MIDDLE	SUF.	
PROB. INV. UNIT S CT		JUV. DETAINED AT		AD. CHG.	
DIVISION 4206	DETAIL ARRESTING F	DATE ARRESTED 060210	TIME ARST. 1440	TIME BKG. 1540	
LOCATION OF ARREST HIGHLAND HOLLYWOOD		BAIL 100	TOTAL BAIL 100		
TYP. CHARGE CODE M LAMC	DEFINITION BLOCK/PUBL/SIDEM	41.18	WARRANT NO. ☆		
ADDITIONAL CHARGES (ON ABOVE WARRS. LIST NO., COURT, AND BAIL, INCL. P.A.)					
ARRAIGN DATE		TIME	COURT		
EXACT LOCATION / DISPOSITION ARRESTEE'S VEHICLE BED					
HAS HEPATITIS N	HAS I.D. N	AS EVER HAD TB N	OTHER Y	SPECIAL MEDICAL PROBLEMS SEE ME	
ARRESTING OFFICER JORDAN	SERIAL NO. 32285	SERIAL NO. OR CR. CHECKING OFFICER 32285	BOOKING EMPLOYEE RESENITZ	SERIAL NO. N27A	PROP. BAG # 0252742
SEARCHING OFFICER RUTKOWSKI	SERIAL NO. 4970	TRANSPORTING OFFICER JORDAN	SERIAL NO. 32285	EC/R READING	SUPV. APPROVING BKG SER# 3491

PRISONER'S RECEIPT



(Handwritten signature)

THIS IS YOUR PROPERTY RECEIPT AND IDENTIFICATION. KEEP IT WITH YOU AT ALL TIMES.

- BAIL**
 - On a MISDEMEANOR CHARGE OR A BAILABLE FELONY CHARGE, you may be released on bail.
 - On a WARRANT ISSUED IN ANOTHER COUNTY, you have the right, upon demand, to be taken before a magistrate in this county for the purpose of being admitted to bail. If you wish to go to court for this purpose, or do not know if you are arrested on an out-of-county warrant, contact your jailer.
- RELEASE FROM CUSTODY:** You will only be released from custody (bail, bond, own recognizance, etc.) after positive identification has been established. Positive identification has to be based on fingerprints. Refusal to submit to fingerprints will delay a person's release from custody.
- COURT APPEARANCE:** You may ask the jailer when you are scheduled for court appearance.
- TELEPHONE CALLS:** Within 3 hours from the time of your arrest, you may make the following telephone calls:
 - At City expense within the local dialing area, or at your own expense to other locations, to THREE of the following:
 - An attorney of your choice, the Public Defender, or any attorney assigned by the court.
 - A bail bondsman.
 - A relative or other person.
 - For information regarding additional telephone calls, you may ask the jailer.
- ATTORNEYS AND BAIL BONDSMEN:** You may be visited by an attorney or bondsman upon your request or the request of a relative or friend. Beware of any person interested in procuring a lawyer or bondsman for you.
- VISITORS:** Inmates are permitted a maximum of one visitor each day. Exception: One minor child may accompany each responsible adult visitor. Visitation rules do not apply to visits by attorneys, bail bondsmen, personal physicians, or members of the clergy, who may visit at any time. Hours may vary and are subject to cancellation.
- FOREIGN NATIONALS:** You may contact your Consular Office at any time. If you need assistance in contacting your Consular Office, notify the jailer. Visits from the Consular Officers are permitted at any time.
- YOUR PROPERTY:** Your property will be returned to you immediately upon your release from LAPD custody.
- ILLNESS:** If you need medical attention, or are aware of another prisoner in need of it, notify the jailer at once.
- READING AND RECREATION:** A general circulation daily newspaper and a non-English language publication are available during the hours set by the jail supervisor. Hours may vary and are subject to cancellation.
- VOTING:** Notify the jailer of any request to vote in a local, state, or federal election.
- RELIGIOUS OBSERVANCE:** Notify the jailer of any request for religious material. Visits from members of the clergy or other bona fide religious advisors are permitted at any time.
- INMATE GRIEVANCE PROCEDURE:** Any complaint or grievance must be reported to a jail supervisor without delay.
- MAIL:** Mail to and from an inmate may be opened and inspected for contraband.
- INMATES WITH DISABILITIES:** Should you require any special assistance, notify the jailer.
- JAIL RULES:** Any obstruction, willful resistance, destruction of jail property, or other unlawful conduct towards custody staff may result in additional criminal charges being filed against you. Prosecution will be pursued regardless of the disposition of your original charges.

SUPPLEMENTAL DECLARATION OF BALKE

1 SUPPLEMENTAL DECLARATION OF MATTHIAS BALKE

2 I, MATTHIAS BALKE, declare as follows:

3 1. I am a plaintiff in this action and previously prepared a declaration in
4 this matter. I have personal knowledge of the matters set forth below.
5

6 2. On Saturday, October 2nd, at approximately 2:30 p.m., I was walking
7 westbound on Hollywood Boulevard on my way to the grocery store when I
8 observed the police writing a citation to CD vendors. I had stopped momentarily in
9 front of the court of Grauman's Chinese Theater when I observed this. I had
10 recently changed my appearance dramatically by shaving my facial hair and
11 changing the color of my hair, so I expected I could now at least walk through my
12 neighborhood without the police recognizing me as a one of the Hollywood
13 Characters who had previously been arrested.
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15 3. As I was observing the citations being issued, a friend of mine
16 approached dressed as Jack Skellington, a character from the movie "A Nightmare
17 Before Christmas." As soon as the police were done writing the ticket to the CD
18 vendors, I observed them move to my friend. I was standing no more than three
19 feet from the officers so I could see and hear everything that occurred. The officers
20 were Alfraimo and Wax. Officer Alfraimo addressed my friend, Mitch, and said "I
21 thought we had a talk about this. I don't want to see you out here again in a
22 costume. If I catch you wearing a costume out here, I will arrest you and put you in
23 jail." My friend walked away. I immediately observed Officer Alfraimo turn to
24 another individual wearing the costume of "Sully" from Monsters, Inc. As I
25 observed, Officer Alfraimo ordered the individual to take off the face cover on his
26 costume. Officer Alfraimo then told him the same thing I had just heard him say to
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1 my friend. Officer Alfraimo then said, while pointing his finger in the characters
2 face, "The First Amendment does not give you a right to do this out here."

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4 4. Based on what I observed of Officer Alfraimo's threats to two
5 individuals dressed as characters, I continue to be fearful that if I return to
6 Hollywood Boulevard in character I will be similarly threatened with arrest. At the
7 time that this occurred, I observed tour sales people coming up to pedestrians,
8 stopping them on the sidewalk and trying to get them to sign-up for tours of
9 Hollywood and other celebrity areas. I also saw a crew of break dancers
10 performing in front of the Hollywood and Highland complex. There was a large
11 crowd that had gathered around them that stretched from the curb to the wall of the
12 building complex. This activity and the crowd that gathered made it almost
13 impossible to walk down the sidewalk in this area. I saw at least three police cars
14 drive by and not stop. I believe it would have been impossible for the police not to
15 notice the large crowd stopped on the sidewalk to observe the break dancers.
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18 5. I recognized myself in a video clip of media coverage by ABC news
19 on the day of my arrest. In the video, I am addressed as the Wolverine character,
20 wearing a red shirt and standing next to a police car. In the same video, I also
21 recognize Paul Harrell, who is personally known to me. He is dressed as the
22 "Joker" and had already been placed in the police vehicle. In the same video, I also
23 recognize Melissa Beithan, whom I also know personally. She is wearing a
24 "Catwoman" costume. All three of us were arrested at the same time at the same
25 location. The video is a fair and accurate representation of what occurred to me and
26 the two others that day. A true and correct copy of the video is available on line on
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YouTube and attached at Exhibit **I**.

I declare under penalty of perjury that the foregoing is true and correct under the laws of the State of California. Executed this 4th day of October, 2010 at Santa Monica, California.

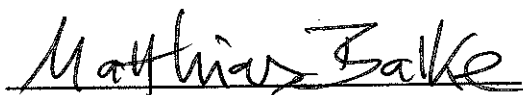

MATTHIAS BALKE

EXHIBIT I
(ON DVD)

SUPPLEMENTAL DECLARATION OF DENNIS

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DECLARATION OF CHRISTOPHER DENNIS

I, Christopher Dennis, declare and state as follows:

1. I have personal knowledge of the facts set forth below. If I were called to testify to those facts, I could and would do so competently.

2. I recognized myself in a video available online on YouTube dated May 29, 2010. I am wearing my Superman costume. The video is a fair and accurate representation of Hollywood Boulevard as it looked that day. There was plenty of room around me for people to pass by. A copy of the video is attached as Exhibit

M

3. Attached to this declaration as Exhibit **G** is a true and correct copy of a photo of me in my Superman costume after I was handcuffed on July 8, 2010.

I declare under the penalty of perjury that the foregoing is true and correct under the laws of the State of California. Executed this **19** day of September, 2010.



CHRISTOPHER DENNIS

EXHIBIT G

ON DVD

**EXHIBIT M
(ON DVD)**

DECLARATION OF JAMES HINTON HILL III

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DECLARATION OF JAMES HINTON HILL III

I, James Hill, declare and state as follows:

1. I have personal knowledge of the facts set forth below. If I were called to testify to those facts, I could and would do so competently.

2. I am a performer on Hollywood Boulevard, as the character of Mr. Rhumsmithe, which is an off-shoot of Captain Jack Sparrow. People often refer to me as Captain Jack. I have been performing as that character for the past three and a half years. Prior to that, I also performed as the character of Chewbacca, for approximately one year.

3. On June 3, 2010, at approximately 1:30 p.m., I arrived on Hollywood Boulevard in front of the Hard Rock Café with a laptop computer in hand and was filming the scene; I was not in costume at that time. Within 10-20 minutes of my arrival, I was approached by an officer of the LAPD, who singled me out and told me I had to move along because I was blocking the sidewalk. There were tourists and other people all around, with plenty of room to pass by on the sidewalk. He asked me if I had a permit for the video, and I replied that I did not. When I asked him if I could keep taping, he said only if I have a permit. I mentioned that many of the tourists did not have a permit to be filming on Hollywood blvd. He then said that he had seen me before on Hollywood Boulevard, not dressed as I was, because I was in my regular clothes, and told me I'd better keep moving. I understood this to mean, he recognized me as the character I play.

4. There were many other people in the area who were filming. I found someone else with a camera and began to follow them as the police headed back to their car without approaching the tourist with the camera. The police did not tell the other person to leave and did not tell them that they were blocking the sidewalk. I crossed the street and was followed by the police. A few minutes later, the officer told me to turn off the camera on my laptop. The officer then gave me a citation for blocking the sidewalk and told me I could not come back to the area. He threatened that if I did come back to the

1 area, I would get another ticket and possibly go to jail.

2 5. Video footage that I took that day depicting the facts stated above is attached as
3 Exhibit **K**

4 6. Because I felt the citation was unjustified, I hired a criminal defense attorney to
5 represent me on the citation. He appeared in court on my behalf and the charges were
6 dismissed. A true and correct copy of the citation is attached as Exhibit **L**

7 7. Since this incident, I have not been back to Hollywood Boulevard to perform
8 because I am afraid that I might get another unjustified ticket, and/or arrested.

9 I declare under the penalty of perjury that the foregoing is true and correct under
10 the laws of the State of California. Executed this 19 day of September, 2010.

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14 JAMES HINTON HILL III

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EXHIBIT K
(ON DVD)

EXHIBIT L

79

Los Angeles Police Department
CITY OF LOS ANGELES
NOTICE TO APPEAR

22580

MISDEMEANOR NONTRAFFIC

Date of Arrest: 10/3/10 Time: 1:00 PM Day of Week: SAT City: LOS ANGELES Arresting Agency: 10001515

Name: James Houston Hill Jr
 1750 Broadway St
 Los Angeles, CA 90012

Case No: 10995977
 Date of Birth: 01/01/44

Charge: 41196(a) - Driving on Suspended License
 Defendant: James Houston Hill Jr

Location of Offense: 1750 Broadway
 City and County of Los Angeles

Signature of Defendant: [Signature]
 Date: 10/3/10

Signature of City Clerk: [Signature]
 Date: 10/3/10

Name of Arresting Officer: [Name]
 Date: 10/3/10

Signature of Defendant: [Signature]

WHERE: ON THIS DATE 10/3/10 TIME: 1:00 PM

- WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE
- Metropolitan: 1400 South Hill Street, Los Angeles, 90007, (213) 744-6100
 - Central Administration: 4400 Central Street, Los Angeles, 90011, (213) 874-6000
 - South and West Coast: 1400 Long Beach, Long Beach, 90801, (562) 431-6100
 - West Los Angeles: 1400 Portico Avenue, West Los Angeles, 90024, (310) 753-6100
 - San Diego: 1400 Grand Street, San Diego, 92101, (619) 594-6100
 - North Valley: 800 West Street, San Francisco, 94101, (415) 552-6100
 - West Valley: 1400 Mendocino Avenue, Sebastopol, 95472, (707) 574-6100
 - Redwood: 8000 Redwood Boulevard, Redwood, 95468, (707) 524-6100
 - Newport: 1400 South La Cañada Boulevard, Los Angeles, 90044, (213) 753-6100

TO BE NOTIFIED COUNTY CLERK FWD ENTERTAINMENT DISTRICT

NOTICE TO APPEAR FORM APPROVED BY THE
JUDICIAL BRANCH OF CALIFORNIA
Rev. 05-2010 (Rev. Code 1-9-10)

6-24

SUPPLEMENTAL DECLARATION OF JUNT

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DECLARATION OF ZACHARY JUNT

I, ZACHARY JUNT, declare as follows:

1. I am a plaintiff in this action. I have personal knowledge of the facts set forth below and, if I were called to testify as a witness to those facts, I could and would do so competently.

2. Attached to this declaration as Exhibit **H** is a true and correct copy of a photo of me in my Spiderman costume after I was handcuffed on June 4, 2010

3. I also recognized myself in a video that was posted online on YouTube dated May 29, 2010. In the video, I am wearing my Spiderman costume. I am standing at the edge of the sidewalk and not obstructing the sidewalk or preventing passage in any way. The video is a fair and accurate representation of Hollywood Boulevard as it looked that day. The video is available online on YouTube and a copy of the video is attached as Exhibit **M**

I declare under penalty of perjury that the foregoing is true and correct under the laws of the State of California. Executed this **19** day of September, 2010.



ZACHARY JUNT

EXHIBIT H
ON DVD

SUPPLEMENTAL DECLARATION OF TOMEY

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DECLARATION OF TERRELL ANTHONY TOMEY

I, Terrell Anthony Tomey, declare and state as follows:

1. I have personal knowledge of the facts set forth below. If I were called to testify to those facts, I could and would do so competently.

2. The local NBC news interviewed me and a video of the media coverage is available online. A copy of the video is attached as Exhibit 1. This is a fair and accurate representation of me in my Batman costume both before I was arrested and while the police officer was placing me in handcuffs.

I declare under the penalty of perjury that the foregoing is true and correct under the laws of the State of California. Executed this 21 day of September, 2010.


TERRELL ANTHONY TOMEY

**EXHIBIT J
(ON DVD)**

CERTIFICATION OF SERVICE

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The undersigned hereby certifies that the City of Attorney has been served this date by the Court's Electronic Court Filing system:

JOHN CARVALHO
200 N. Main Street
City Hall East, 9th fl.
Los Angeles, CA 90012

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4th day of October, 2010 at Santas Monica, California.

_____/s/
CAROL A. SOBEL

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the City of Attorney has been served this date by facsimile service upon the following individual:

JOHN CARVALHO
200 N. Main Street
City Hall East, 6th fl.
Los Angeles, CA 90012
213 978-8787

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 4th day of October, 2010 at Santos Monica, California.

_____/s/
CAROL A. SOBEL